IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

RFA.No. 124 of 2005

OS.86/2001 of SUB COURT, KASARAGOD

.....

APPELLANT/1ST DEFENDANT.

MAMMUNHI ALIAS MAMMU HAJI,
S/O. PAKEERA BEARY, RESIDING AT KAPPALA,
NEAR UPPALA GATE, UPPALA VILLAGE AND POST,
KASARAGOD TALUK. (Died.)

Addl. Appellant 2: MOIDEENKUNHI
S/O MAMMUNHI ALIAS MAMMU HAJI
BAITHUL JAMAL, ANGADIPADAVU
POST MANJESHWAR-671 323.

Addl. Appellant 3: BEEFATHIMA
D/O MAMMUNHI ALIAS MAMMU
HAJI AND W/O IBRAHIM ALIAS SHABIB
NEELKUDI HOUSE, KANILA, P.O.BADAJA
(VIA) MANJESHWAR-671 323

Addl. Appellant 4: KADEEJA,
D/O MAMMUNHI ALIAS MAMMU HAJI
AND W/O MOOSABBU,
NEAR TOWN MASJID
P.O.PAIVALIKE.

Addl. Appellant 5: AISHA,
D/O MAMMUNHI ALIAS MAMMU HAJI
AND W/O ABDUL RAHIMAN, BUILDING NO.6
HOUSE NO.48, MAHADA APARTMENT
SIRATH MULLAH, SUBHASH NAGAR-416 012.

Addl. Appellant 6: MARIYAMBI
MAMMUNHI ALIAS MAMMU HAJI
AND W/O MOIDEENKUNHI,M.A.MANZHIL
PANDIAL ROAD, HOSABETTU
P.O.MANJESWAR-671 323.

(Addl.appellantS 2 to 6 impleaded vide order dated 8.11.2005 on IA 3381/05)

BY ADV. SRI.D.KRISHNA PRASAD
SRI.D.NARENDRANATH
SRI.M.HARISHARMA
SRI.T.P.ELDHOSE

RESPONDENTS: (PLAINTFFS & DEFENDANTS 2 TO 28 & SUPPLEMENTAL.DEFENDANTS 29 TO 36):

1. PATHUNHI, D/O. ABDULLA AND AISU,
RESIDING AT KAPAD, NEAR UPPALA RAILWAY GATE,
UPPALA VILLAGE AND POST, KASARAGOD TALUK.

2. MARIYUMMA, D/O. ABDULLA AND AISU,
RESIDING AT KAPAD, NEAR UPPALA RAILWAY GATE,
UPPALA VILLAGE AND POST, KASARAGOD TALUK.

3. JAMEELA, D/O. ABDULLA AND ASIU,
RESIDING AT KAPAD, NEAR UPPALA RAILWAY GARE,
UPPALA VILLAGE AND POST, KASARAGOD TALUK.

4. KHAIRUNNISSA, D/O. ABDULLA AND AISU,
RESIDING AT KAPAD, NEAR UPPALA RAILWAY GARE,
UPPALA VILLAGE AND POST, KASARAGOD TALUK.

5. MARIYUMMA, W/O. MAMMUNHI,
RESIDING NEAR NEW MASJID, UPPALA VILLAGE AND POST,
KASARAGOD TALUK.

6. BABACHI, S/O. MAMMUNHI,
RESIDING NEAR NEW MASJID, UPPALA VILLAGE AND
POST, KASARAGOD TALUK.

7. KUNHAMINA, D/O. MAMMUNHI,
RESDING NEAR RAILWAY GATE, UPPALA VILLAGE AND
POST, KASARAGOD TALUK.

8. ABDURAHIMAN, S/O. MAMMUNHI,
RESIDING AT DAWOOD MANZIL, POIYEE,
UPPLA VILLAGE AND POST KASARAGOD TLAUK.

9. PATHUNHI, D/O. MAMMUNHI,
RESIDING AT PAYYA, NEAR RAILWAY GARE,
UPPALA VILLAGE AND POST, KASARAGOD TALUK.

10. MAHAMMAD, S/O. MAMMUNHI,
RESIDING AT SUNNADA HOUSE, BAYAR VILLAGE,
KASARAGOD TALUK, P.O.CHIPPAR.

11. ZAINABI, D/O. MAMMUNHI,
RESIDING NEAR NEW MASJID, UPPALA VILLAGE AND
POST, KASARAGOD TALUK.

12. DAINABI, W/O. ABDULLA,
RESIDING AT BAITHU JAMAL HOUSE, UPPALA VILLAGE
AND POST, KASARAGOD TALUK.

13. ASYAMMA, D/O. ABDULLA,
RESIDING NEAR RAILWAY GATE, UPPALA VILLAGE AND
POST, KASARAGOD TALUK.

14. MAHAMMAD, S/O. ABDULLA,
RESIDING AT C/O. HIZAYATH CATERING, P.B.NO.90,
ALKABAR, SOUDI ARABIA.

15. NABEESA, D/O. ABDULLA,
RESIDING AT ATHIKAR HOUSE, MOOYODI,
UPPALA VILLAGE, KASARAGOD TALUK.

16. PEEPATHUMMA, D/O. ABDULLA,
RESIDING AT BAITHU JAMAL HOUSE, UPPALA VILLAGE
AND POST, KASARAGOD TALUK.

17. SIDDIQUE, S/O. ABDULLA,
RESIDING AT BAITHU JAMAL HOUSE, UPPALA VILLAGE
AND POST, KASARAGOD TALUK.

18. IBRAHIM, S/O. ABDULLA,
RESIDING AT BAITHU JAMAL HOUSE, UPPALA VILLAGE
AND POST, KASARAGOD TALUK.

19. KADIJAMMA, D/O. ABDULLA,
RESIDING AT BAITHU JAMAL HOUSE, UPPALA VILLAGE
AND POST, KASARAGOD TALUK.

20. AISU, D/O. ABDULRAHIMAN BEARY,
RESIDING AT KAPAD HOUSE, NEAR UPPALA RAILWAY GATE,
UPPALA VILLAGE AND POST, KASARAGOD TALUK.

21. ABDULLA, S/O. ABDULRAHIMAN BEARY,
RESIDING AT BAJAKUDLU, ENMAKAJE VILLAGE,
KASARAGOD, P.O.PERLA.

22. IBRAHIM, S/O. ABDULRAHIMAN BEARY,
RESIDING AT PANJIKUDI, MULINJE VILLAGE,
KASARAGOD TALUK, P.O.UPPALA.

23. UMMALI, S/O. ABDULRAHIMAN BEARY,
RESIDING AT NADABAIL, ENKAKAJE VILLAGE,
KASARAGOD TALUK, P.O.PERLA.

24. MOOSA, S/O. ABDULRAHIMAN BEARY,
RESIDING AT KOPPALA HOUSE, NEAR UPPALA RAILWAY
GATE, UPPALA VILLAGE AND POST, KASARAGOD TALUK.

25. ABDULRAHIM, S/O. MOHAMMAD,
RESIDING AT P.B.NO. 8565, AL-HASSA-31982,
AL-HAFUF-K.S.A.

26. NABEESA, D/O. MOHAMMAD,
IS RESIDING AT S.F.C. (A.H.I), P.B.NO.6535,
DAMMAN, 31452, K.S.A.

27. SIDDIQUE, S/O. MOHAMMAD,
RESIDING AT C/O. S.F.C.(A.H.I), P.B.NO.6535,
DAMMAN, 31452, K.S.A.

28. ABDUL GAFOOR, S/O. MOHAMMAD,
RESIDING AT BAPPAI THOTTI, UPPALA VILLAGE,
KASARAGOD TALUK, P.O.UPPALA.

29. MOHAMMAD, S/O.ABDULLA AND AISU,
RESIDING AT NAWAZ MANZIL, KUPPADA,
NEAR UPPALA RAILWAY GATE, UPPALA VILLAGE, POST,
KASARAGOD TALUK.

30. ABDULRAHIMAN, S/O. ABDULLA AND AISU,
RESIDING AT P.B.NO.409, RIYADH 11323,
SAUDI ARABIA, K.S.A.

31. ASYAMMA, W/O. MOHAMMAD,
KOPPALA HOUSE, NEAR UPPALA RAILWAY GATE,
UPPALA VILLAGE AND POST, KASARAGOD TALUK.

32. MARIYUMMA, W/O. ABDULLA,
RESIDING AT BAJAKUDLU, ENMAKAJE VILLAGE,
KASARAGOD TALUK AND DISTRICT, P.O.PERALA.

33. MARIYABI, W/O. MOHAMMAD ALI,
RESIDING AT ARAFA MANZIL, ULVAR VILLAGE,
KASARAGOD TALUK AND DISTRCIT, P.O.ULVER.

34. JAMEELA, W/O. YOUSUF,
RESIDING AT BAJAKUDLU, ENMAKAJE VILLAGE,
KASARAGOD TALUK AND DISTRICT, P.O.PERLA.

35. A.R.ASHRAF, RESIDING AT P.B.NO.79290,
AL-KOBAR 31952, K.S.A.

36. BEEPATHUMMA, W/O. BABACHI,
RESIDING AT PUDIYA PALLI, UPPALA GATE,
UPPALA VILLAGE AND POST, KASARAGOD TALUK AND
DISTRICT.

37. MOHAMMAD MUSTHAFA, S/O. LATE ABDULLA,
RESIDING AT BAJAKUDLU, ENMAKAJE VILLAGE,
KASARAGOD TALUK AND DISTRICT, P.O.PERLA.

38. UMAR FAROOQ, S/O. LATE ABDULLA,
RESIDING AT BAJAKUDLU, ENMAKAJE VILLAGE,
KASARAGOD TALUK AND DISTRICT, P.O.PERLA.

39. ABDUL LATHEEF, S/O. LATE ABDULLA,
RESIDING AT BAJAKUDLU, ENMAKAJE VILLAGE,
KASARAGOD TALUK AND DISTRICT, P.O.PERLA.

BY ADV. SRI.K.G.GOURI SANKAR RAI

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN JJ.

- -

R.F.A.No.124 OF 2005

- -

Dated this the 13th day of April 2007

JUDGMENT

Kurian Joseph, J.

It is submitted that the disputes between the parties have been settled between them. The counsel has filed a memo to that effect dated 12.4.2007. The appeal is hence dismissed as settled out of court.

KURIAN JOSEPH, JUDGE

K.T.SANKARAN, JUDGE

jes